

Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF NOVEMBER 9, 2005

TO: PLANNING COMMISSION

FROM: DEBORAH WOLDRUFF, AICP, DIRECTOR,
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: DEVELOPMENT CODE AMENDMENT (DCA) NO. 05-01 (PAROLEE HOMES). THE CITY OF LOMA LINDA IS REQUESTING THE ADOPTION OF AN ORDINANCE TO ADD THE "PAROLEE HOMES" CHAPTER IN TO THE LOMA LINDA MUNICIPAL CODE.

SUMMARY

The project is a request to amend the Loma Linda Municipal Code (LLMC) to require a Conditional Use Permit (CUP) for parolee homes of two (2) to six (6) persons per dwelling unit within the City of Loma Linda.

RECOMMENDATION

The recommendation is that the Planning Commission recommends to the City Council the approval of DCA No. 05-01 to amend the LLMC and add Chapter 17.31 based on the Findings.

PERTINENT DATA

Property Owners/Applicant:	Various/City of Loma Linda
General Plan:	All residential designations
Zoning:	All residential zones
Site:	Citywide
Topography:	N/A
Vegetation:	N/A
Special Features:	N/A

BACKGROUND

In October 2005, the Administrative Department requested Community Development staff to amend the LLMC to require a Conditional Use Permit for parolee homes of two (2) to six (6) persons per dwelling unit within the City of Loma Linda as an Urgency Ordinance that will be replaced by a permanent ordinance.

Currently, the LLMC does not address the establishment of parolee homes within any residential zones either as permitted or conditionally permitted. However, City recently experienced several requests for parolee homes within the residential zones, especially within the single-family residential zones. Given the interest in this type of use, there is a need to establish more stringent regulations to address potential land use impacts to surrounding residential properties and neighborhoods.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15061(b)(3), which states the activity is covered by the general rule that CEQA applies only to projects [that] have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Amending the City of Loma Linda Municipal Code to require a Conditional Use Permit for parolee homes of two (2) to six (6) persons per dwelling unit would not result in any significant environmental impacts because residential uses are permitted within residential zones.

ANALYSIS

Project Description

The project is a City initiated ordinance request to amend the LLMC, Title 17 to add chapter 17.31, Parolee Homes, as follows: "All parolee homes located within any residential zone shall require a Conditional Use Permit". The actual amendment language is attached to this report. The proposal would affect all residentially zoned properties within the city limits. Staff proposes the adoption of an urgency ordinance that will be replaced by permanent ordinance. The urgency ordinance would become effective immediately upon adoption.

Public Comments

On October 18, 2005, the Administrative Review Committee (ARC) reviewed the proposal and no comments or concerns were raised. As of writing of this report, staff received two phone calls from Ms. Teresa Herbert and Mr. Jonathan Zirkle who are in favor of this amendment. No additional public comments have been received on the proposed amendment.

Analysis

In recent months, the cities of the Inland Empire have experienced multiple inquiries to establish parolee homes in residential zones. Recent changes to state laws that regulate the establishment and operation of parolee homes and group homes alike, gives local jurisdictions an option to adopt ordinances to monitor the number of group homes being established in specific areas or sections of a city.

Many neighboring cities, such as the Cities of Redlands, Yucaipa, and Fontana are in the process of adopting or have adopted ordinances to regulate the concentration of parolee homes within their city limits. Additionally, studies have shown that the parolee homes require added public services from the city and placed an undue burden on the public safety and welfare of local residents.

The proposed ordinance will provide the City with a way to monitor and permit the number of parolee establishments located within the City of Loma Linda and provide the best possible public service to the residents. In turn, this will allow the city to better assess and allocate its public service resources and provide better coverage.

As stated, the amendment would affect all residentially zoned properties within the city limits. The parolee homes outside of the city limits would be governed and reviewed by the County of San Bernardino or the neighboring city jurisdictions.

Findings

Text amendments to zoning documents are considered legislative acts and do not require findings. However, State law does require that the zoning be consistent with the General Plan. Policy Nos. 4 and 6 in the existing General Plan states the following:

"The quality of living in Loma Linda is of paramount concern, and standards should be developed for evaluating programs and policies to achieve this end."

"Adequate housing is necessary for the well-being of Loma Linda citizens and should be available in diverse types and styles in a variety of locations for all economic segments of the community and for all persons regardless of age, race and ethnic background."

Loma Linda is a small, university town that is revered for its small town atmosphere and friendly neighborhoods. Parolee homes are necessary for parolee's to transition back into society after serving their time in prison. However, the establishment of these facilities with no local regulation invites over saturation in sensitive areas and may lead to neighborhood deterioration and blight. The proposed ordinance will establish a method of regulating these types of homes and provide a means of measuring their effects on surrounding land uses and determining public service needs. In short, the proposed ordinance will help to maintain the quality of life in Loma Linda neighborhoods

while ensuring that adequate housing is provided, including parolee homes which are diverse housing types.

The Housing Element in the Draft General Plan (October 2005) indicates that more than 1.01 person per room, excluding kitchens and bathrooms, are considered "overcrowding" and 1.51 person per room is considered "severe overcrowding". Draft Policy 5.3.3. encourages that the City actively provide housing needs of the residents in all areas of economic segments and lowering the rate of overcrowding by facilitating the development of affordable housing projects, use of density bonuses, priority of lower income housing projects, etc.

In the existing General Plan, the policies for residential uses do not identify parolee homes as permitted or conditionally permitted uses. The policies refer to providing a quality of living and to provide a diverse type and style of homes for all economic segments. The residential designations in the Draft General Plan (October 2005) also do not identify parolee homes as permitted or conditionally permitted uses. Based on the preceding, staff finds that the proposed amendment is a necessary addition to be consistent with the policies outlined in the existing and draft General Plans.

CONCLUSION

The proposed amendment would permit the establishment of parolee homes in the City of Loma Linda with an approved Conditional Use Permit. The amendment would require that parolee homes be processed through a discretionary review based on available services and concentrations of this type of land use in residential districts. Staff proposes the adoption of an urgency ordinance that will be replaced by permanent ordinance. The urgency ordinance would become effective immediately upon adoption.

Staff has determined that the proposed amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because a Conditional Use Permit for parolee homes of two (2) to six (6) persons per dwelling unit would not result in any significant environmental impacts because residential uses are permitted within residential zones.

Report prepared by:



H. P. Kang
Senior Planner

ATTACHMENTS

A. Exhibit "A" (Parolee Homes)

I:\Project Files\DCA\DCA 05-01 (Parolee Homes)\PCSR 11-09-05.doc

Attachment A

Exhibit "A"
Parolee Homes

November 9, 2005

Ordinance No.

Exhibit "A"

Chapter 17.31

PAROLEE HOMES

Sections:

17.31.010	Purpose
17.31.020	Definitions
17.31.030	Conditional Use Permit Requirements
17.31.040	Location Requirements
17.31.050	Conditions
17.31.060	Revocation

17.31.10 Purpose.

The purpose of this chapter is to give the city the opportunity to review and monitor the public service needs to provide the best possible service to the residences within the city limits with some establishments of parolee homes in all residential zones.

17.31.020 Definitions

Parolee, Federal means an individual convicted of a federal crime, sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee, State Adult means an individual who is serving a period of supervised community custody, as defined in Penal Code Section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division.

Parolee, Youth Authority means an adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer.

Parolee Homes means any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses between two (2) to six (6) parolees, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee.

17.31.030 Conditional Use Permit Requirements

Any use that engages in the operation of a parolee home shall be subject to the approval of a conditional use permit. A new conditional use permit shall be required for the following actions:

1. Commence operation of a parolee home.
2. Existing parolee homes, unless it was lawfully established prior to the effective date of the ordinance.
3. Any changes in the operating conditions from what was originally imposed by the city, including, but not limited to, number of parolees or modifications to the conditions of approval.
4. Any changes in the operating conditions of existing parolee homes lawfully established prior to the effective date of the ordinance.
5. Sale, transfer, or new lease agreement of a parolee home to another individual, entity, etc.
6. An existing parolee home discontinued for a consecutive period of thirty (30) days is deemed abandoned and shall be required to obtain a new conditional use permit.

17.31.40 Location Requirements

Any use that engages in the operation of a parolee home shall be subject to the approval of a conditional use permit. A new conditional use permit shall be required for the following actions:

1. In judging requests for parolee homes, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses), and ensuring that no adverse effects on the public health, safety, or general welfare will be created by the proposed use.
2. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 660 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, or other similar uses.
3. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 1,320 feet away from an existing parolee home or other similar uses.

17.31.050 Conditions

In addition to any other conditions imposed by the Planning Commission pursuant to Chapter 17.30.210 of this Code to safeguard the public health, safety, and general welfare, a conditional use permit for a parolee home shall meet the following conditions:

1. Each parolee home or "parolee home" unit is limited to a maximum number of six (6) parolee with each bedroom not exceeding two (2) parolees.

2. Multi-family residential projects with less than twenty-five (25) units shall be limited to one (1) "parolee home" unit.
3. Multi-family residential projects with twenty-five (25) or more units shall be limited to two (2) "parolee home" units.
4. City staff shall prepare an annual status report on the parolee home for the Planning Commission's review and consideration.
5. the property owner or a designated on-site manager must live on the site of the parolee home.
6. The police department shall be provided a weekly update by the applicant of the parolee living at the parolee home.

17.31.060 Revocation

Pursuant to Chapter 17.30.460 of this Code, the planning commission may revoke a conditional use permit. The revocation hearing must be noticed and a public hearing as required in Chapter 17.30.415 of this Code and the planning commission must make the necessary findings to revoke the conditional use permit as set forth in Chapter 17.30.460 of this Code.